REMARKS

This Amendment is in response to the Office Action dated August 4, 2011. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. DEFECTIVE OFFICE ACTION

Claims 1,24-46,56-78,88-110, 120-128, 161, 162 rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Schein (US 6,412,110) in view of Ohno (US 2002/0066099).

Claims 15-23,47-55,79-87, 111-119 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Schein (US 6,412,110) in view of Ohno (US 2002/0066099) in view of Broadus (US 2002/0144264).

Claims 2-14 were not expressly rejected or allowed, but were merely discussed on pages 4-5. Therefore, the Office Action is incomplete.

If any rejections remain, Applicant requests a new, non-final Office Action that is complete as to all matters. The Office Action cannot be made final since the prior action was not complete as to claims 2-14.

II. CLAIM AMENDMENTS - RESPONSIVE TO EXAMINER'S COMMENTS

Applicant has made several clarifying amendments to the independent claims. These amendments are supported by the specification, such as in paragraphs [0088], [0091], and [0095].

Applicant has the following response to the Examiner's comments appearing on pages 12-14 of the Office Action:

A. **Movement of Schein's Time Line**

The Examiner asserts on page 12,

> Ohno reference is now used to disclose the user commands portion of claim 1 ([0115, 0116]). Examiner respectfully disagrees with the argument

> that Schein's timeline cannot be movable relative to the axis. Schein's timeline (199) is placed vertically at the current point in time. In Ohno, the program guide will change the displayed grids in order to accommodate any scrolling ([0115, 0116], fig. 14). If a user were to scroll to the next cell which is out of view, the EPG grid would display cells within a different section of time. As a result, Schein's timeline would move relative to the horizontal axis because a different section of time is displayed (ie. a timeline at current time 8:32 pm would be displayed at different locations in a grid that displays programs from 7-10 pm as opposed to 8-11 pm).

In the Examiner's hypothetical, if a user were to scroll to the next cell which is out of view, "a different section of time is displayed." Therefore, there is no relative movement between time line 199 and the "current time" since the horizontal axis moves with the time line.

In fact, this is supported by the scrolling operation described in paragraphs [0115] and [0116] of Ohno, which are referred to by the Examiner. Comparing Figure 11 with Figure 14 of Ohno, prior to scrolling the cursor 603 (at program D-2) is located at 21:00 hours and after the scrolling the cursor 603 (at program D-2) is located at 21:00 hours. The time axis has moved.

The independent claims are amended to clarify that the visual indicator is:

1. movable relative to time along the axis; and
2. movable relative to time in response to each left or right user command (or each up or down user command).

In the Examiner's hypothetical combination of Schein and Ohno, the time line is not movable relative to time. Rather, the time line and time axis move together. If time line 199 were modified to as to be movable relative to time along the time axis, then such a modification would destroy the functionality of time line 199 since its location would fail to represent the "current time".

In addition, In the Examiner's hypothetical example, the time line 199 would move relative to the horizontal axis only when a user scrolls to a cell that is out of view. Thus, the Examiner's proposed, modified time line 199 would not be movable in response to each left or right user command or each up or down user command (as the time axis can be horizontal or vertical, for example).

B. **Visual Indicator Specifying an Active Cell - Visually Different**

The previous version of claim 1 recited,

> wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator,

On page 13 of the Office Action, the Examiner states,

> The cells that are intersected by Schein's timeline (199) can be interpreted to represent active cells. Since the cells that are intersected by the timeline are currently displayed programs, they are considered active. Because the timeline is a dotted line, one portion of the timeline will be different from another portion of the timeline (fig. 1).

Thus, the Examiner has decoupled the feature of "specifying an active cell" from the feature of one portion of the visual indicator being visually different than another portion, contrary to claim 1.

Applicant therefore clarifies claim 1 to read,

> wherein a visually distinctive portion of said visual indicator ~~specifying~~ uniquely specifies said active cell and is visually different from another portion of said visual indicator,

Thus, the visually distinctive portion uniquely specifies the active cell.

In Schein, the time line 199 does not comprise a visually distinctive portion that uniquely specifies an active cell and is visually different from another portion of the time line.

Further, claim 1 is amended to recite that,

> each up, down, left or right user command causes the visually ~~indicator~~ distinctive portion to move to and activate a different cell within the grid that is adjacent to the currently active cell.

In Schein, up, down, left or right user commands do not cause the time line 199 or any portion of it to move to and activate a different cell.

Even if modified by the cursor 603 of Ohno, each user command would not cause the time line 199 to move as explained above regarding the Examiner's hypothetical.

Even further, the proposed combination of Schein and Ohno does not support any movement of a visually distinctive portion in response to up or down user commands. How would the Examiner propose that a portion of Schein's time line 199 would move up or down?

C. Schein's Time Line 199 and Mouse Pointer 110 are Independently Movable

On page 14 of the Office Action, the Examiner states:

> Applicant claims two variations of the visual indicator. Claim 5 discloses a vertical information line while claim 10 discloses an icon. Schein does not limit the invention to the use of only one visual indicator. In Schein, both the mouse pointer and timeline are used simultaneously to help the user navigate the EPG (fig. 1). Therefore, the mouse pointer and timeline can both be used to represent the visual indicator of claim 1.

The Examiner's use of Schein's mouse pointer 110 as the claimed "visual indicator" in various dependent claims such as claims 4, 6 and 24-32 is inconsistent with his use of Schein's time line 199 as the claimed "visual indicator" in claim 1 (from which claims 4, 6 and 24-32 depend). Since claims 4, 6 and 24-32 incorporate by reference all the elements of claim 1 due to dependency, the feature of Schein relied on by the Examiner as allegedly disclosing the claimed "visual indicator" must read on both claim 1 and the various dependent claims under rejection.

But clearly Schein's mouse pointer cannot read on the elements of the "visual indicator" recited in claim 1, as shown by Applicant in numerous prior responses.

Further, Schein's time line 199 and mouse pointer 110 are separate elements that are independently movable. Time line 199 moves automatically according to the "current time", while mouse pointer 110 is moved by the viewer (Schein, col. 4, lines 27-28 and 59-61). These elements cannot be somehow combined to satisfy the claimed "visual indicator", and the Examiner has not shown or explained how such a modification could be made.

Thus, neither the time line 199 or the mouse pointer of Schein supports the rejections.

D. **Ohno - New Ground of Rejection**

The Examiner's proposal to modify the time line 199 of Schein according to the movements of the cursor 603 of Ohno is like combining "apples" and "oranges".

Schein's time line 199 is not a cursor, and Ohno's cursor is not a time line. These features move in different manners, according to different control inputs to serve different functions. One moves automatically according to the current time (Schein, col. 4, lines 59-61), and the other moves to arbitrary areas by a remote controller (Ohno, last sentence of para. [0010]). A modification of one according to the other would necessarily destroy its functionality.

The Examiner has not shown anything in either Schein or Ohno that would lead a person of ordinary skill in the art to modify the time line 199 of Schein so that it would operate -- not as a time line -- but be movable in response to user commands in the manner recited in the independent or dependent claims.

For at least the above-reasons, in addition to the reasons discussed in Applicant's Appeal Brief filed May 13, 2011, Applicant respectfully requests reconsideration and allowance of all pending claims.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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